THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.23759 OF 2007

BETWEEN:

V.Himagiridhar Reddy son of V.Kodandarami Reddy

..Petitioner

Vs.

Nellore Municipal Corporation, represented by its Commissioner and two others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.23759 OF 2007

ORAL ORDER

The writ petition is filed alleging that on 05-11-2007 the officials of the Nellore Municipality(1st respondent) without initiating proceedings for acquisition of the petitioner's property in 960 square yards in Sy.No.1576/835, Municipal No.16 i/665/666(old No.16/349/A), Jawaharlald Road, Dandayudapuram, Nellore have made markings on the property and have threatened to demolish the existing structures on the ground that the road is proposed to be widened and the petitioner's property is required for the same.

On instructions, the learned Standing Counsel for the 1st respondent submits that the petitioner has encroached on municipal property and therefore the municipality is proposing to remove the encroachments. If any part of the property of the petitioner is required for road widening it will acquire the property only after following the due process of law either under Section.146 of the Hyderabad Municipal Corporation Act (as is applicable to the 1st respondent-Corporation) or under the provisions of the Land Acquisition Act,1894.

If the petitioner has encroached on the municipal property, the 1st respondent is always at liberty to remove the encroachments in accordance with law. It cannot however dispossess the petitioner or demolish the structures in the petitioner's property without following the due process of law

either by following the due procedure for removal of encroachments or for acquisition of the petitioner's property.

Recording the above principle of law and directing the respondents to follow the same the writ petition is disposed of. There shall be no order as to costs.

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GODA RAGHURAM,J

7th NOVEMBER 2007

Note:
Issue CC
As soon as
Possible
(B/O)
*TSNR